

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MATTHEW COX,)	
Plaintiff,)	
)	
v.)	
)	Cause No.
MAYOR FRANCIS G. SLAY,)	
BETTYE BATTLE-TURNER,)	
COL. RICHARD GRAY, CHIEF)	<u>JURY TRIAL DEMANDED</u>
JEROME D. LEE, AND)	
COL. THOMAS IRWIN, AS MEMBERS)	
OF THE ST. LOUIS CITY BOARD OF)	
POLICE COMMISSIONERS, AND)	
DET. BOBBY GARRETT)	
)	
Defendants.)	

NOTICE OF REMOVAL TO FEDERAL COURT

Defendants, members of the St. Louis City Board of Police Commissioners, Mayor Francis G. Slay, Bettye Battle-Turner, Col. Richard Gray, Chief Jerome D. Lee, and Col. Thomas Irwin hereby notify this Court of the removal of the case styled *Matthew Cox v. Mayor Francis G. Slay, et al.*, Case No. 1222-CC10765, from the Circuit Court of the City of St. Louis, State of Missouri, to this Court. As grounds for this removal, defendants state:

1. On December 13, 2012, plaintiff filed a petition against defendants in the Circuit Court of St. Louis City, State of Missouri, in *Matthew Cox v. Mayor Francis G. Slay*, Case No. 1222-CC10765.

2. Counts I, II, and III of the petition are brought under 42 U.S.C. § 1983 for alleged violations of plaintiff's federal constitutional rights.

3. Plaintiff effected service on defendants, members of the St. Louis City Board of Police Commissioners, Mayor Francis G. Slay, Bettye Battle-Turner, Col. Richard Gray, Chief Jerome D. Lee, and Col. Thomas Irwin on February 8, 2013. Defendants have removed this case within thirty days thereafter. Such removal is timely under 28 U.S.C. § 1446(b) and *Murphy Brothers, Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S.344, 354-355 (1999).

4. Pursuant to Local Rule 2.03 a copy of all process, pleadings, orders and other documents on file in the State court are attached as Exhibit A.

5. Venue is proper in this District under 28 U.S.C. 1441(a), because this District and Division embrace the place in which the removed action has been pending.

6. This Court has original jurisdiction over plaintiff's civil rights lawsuit under 28 U.S.C. 1331.

7. Defendants, members of the St. Louis City Board of Police Commissioners, Mayor Francis G. Slay, Bettye Battle-Turner, Richard Gray,

Jerome D. Lee, and Thomas Irwin consent to and request this action's removal to the United States District Court for the Eastern District, Eastern Division.

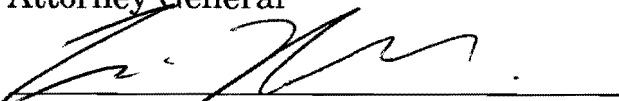
8. Defendants file herewith a filing fee in the amount of \$350.00 and the proof of filing the notice of removal with the Clerk of the State court.

WHEREFORE, defendants petition this Court for removal of *Matthew Cox v. Mayor Francis G. Slay, et al.*, Case No. 1222-CC10765 from the Circuit Court of the City of St. Louis, State of Missouri, to this Court.

Respectfully submitted,

CHRIS KOSTER

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*Attorneys for Mayor Francis G. Slay,
Bettye Battle-Turner, Jerome D. Lee, and
Thomas Irwin,*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was mailed
via first-class mail, postage prepaid, this 8th day of March, 2013, to:

Richard K. Dowd
100 North Broadway, Suite 1600
St. Louis, MO 63102


Assistant Attorney General